

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

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MANCHESTER MUNICIPAL EMPLOYEES, LOCAL NO. 298, AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO	:	
	:	
Complainant	:	CASE NO. <u>A-0425:1</u>
	:	
and	:	DECISION NO. <u>780022</u>
	:	
CITY OF MANCHESTER, NEW HAMPSHIRE AND THE TRAFFIC COMMISSION	:	
	:	
Respondent	:	
	:	

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APPEARANCES

Representing the Complainant, Local 298 AFSCME:

James Barry, Esq., Counsel  
James C. Anderson, President  
William McDonough, Executive Director

Representing the Respondent, City of Manchester & Traffic Commission:

Wilbur L. Jenkins, Personnel Director  
Richard Loughlin, Sr., Superintendent

BACKGROUND

On December 29, 1977, PELRB found the City of Manchester, New Hampshire and the Traffic Commission guilty of unfair labor practice under RSA 273-A:5, 1(g) by unilaterally changing the composition of the bargaining unit without good faith negotiations under the guise of changing the managerial structure of the employer. PELRB further ordered the City of Manchester and the Traffic Commission rescind the changes made, pending negotiations with Local 298 AFSCME, concerning such changes, ordered them to commence such negotiations within a ten (10) day period of the order and ordered them to report progress made after each negotiating session.

Persomel Director, Wilbur L. Jenkins, on January 17, 1978 filed a motion for rehearing stating that PELRB had not addressed the important and fundamental issue and failed to come to grips with the issue thereby resulting in uncertainty and doubts as to the fundamental powers of the elected City Officials, a rehearing would afford them an opportunity to present new evidence in an effort to prove extreme individual and departmental hardship created by the Board's order.

Rehearing was granted and held on May 3, 1978, concerning the above issue. The City's position was that the reorganization had been in process long before implementation and that through the reorganization two new positions or classifications had been created and resulted in six promotions; the composition of the bargaining unit was not diminished, and that the City had acted in accordance with its managerial prerogatives.

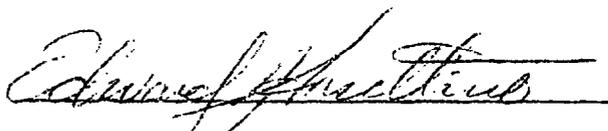
The Union, on the other hand, relied on the evidence already submitted and part of the record before the Board.

FINDINGS OF FACTS

1. The City of Manchester and the Traffic Commission failed in its objective of presenting any new evidence. Rather testimony was merely a restatement of the managerial rights of the City.
2. Rehearing served only to point up the background and the reasoning behind the Board's original decision dated December 29, 1977.
3. PELRB in no way presumes to dictate to either side the ultimate resolutions of its negotiating problems but, rather submits that the subject matter involved in these charges are in fact, and should be, the subject of good faith negotiations between the parties involved.

DECISION AND ORDER

Based on all of the evidence presented at the rehearing and the review of the initial evidence presented at the October 7 and December 14, 1977 hearings, PELRB hereby reaffirms its original decision of December 29, 1977.



EDWARD J. HASELTINE, CHAIRMAN  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 2nd day of June, 1978

By unanimous vote. Present and voting: Chairman Edward J. Haseltine, Richard H. Cummings and Joseph B. Moriarty. Also present, Clerk Evelyn C. LeBrun  
Absent: Board Member, Edward L. Allman.  
Board Member James C. Anderson as a party of interest took no part in the discussions or decision making in this case.